



MEMORANDUM

TO: Monroe County Planning Commission

THROUGH K. Marlene Conaway, Director of Planning & Environmental Resources *KMC*

FROM: Tom Williams, Senior Planner

RE: Text Amendment to affordable housing Land Development Regulations

DATE: July 15, 2005

Meeting Date: July 27, 2005

I. BACKGROUND

Staff is proposing to create Section 9.5-123.1 and revise Section 9.5-4 and Section 9.5-266 of the Monroe County Land Development Regulations (LDR's) to authorize the placement of an affordable housing deed restriction on an existing dwelling unit and/or mobile home lot within a mobile home park in return for receiving a market rate allocation. This market rate allocation shall be deducted from the available pool of affordable housing allocations and may be used on any lot within Tier III designated areas outside of Big Pine Key and No Name Key and must be in compliance with all requirements of the Comprehensive Plan and Monroe County Code.

To be eligible to receive the Rate of Growth Ordinance (ROGO) market rate allocation, an owner of an existing dwelling unit must record an affordable housing deed restriction on the existing unit and the unit must meet minimum livability standards pursuant to Section 9.5-123.1(a). Improvement to existing units to meet minimum livability standards and other affordable housing criteria and in the case of a licensed mobile home park must comply with the provisions of Chapter 723, Florida Statutes.

This amendment will work in concert with the text amendments to ROGO, which implement the Tier System. The Board of County Commissioners adopted the transmittal resolutions for the Goal 105 (Tier System) Comprehensive Plan amendments at its June 14, 2005, meeting and will submit to the Florida Department of Community Affairs (DCA) for review. This amendment to create Section 9.5-123.1 and revise Section 9.5-4 and Section 9.5-66 will be submitted to DCA following adoption of the text amendment by the Board of County Commissioners.

II. CONTINUING DISCUSSION

During and subsequent to the July 13, 2005, Planning Commission Meeting additional discussions produced other areas of consideration staff is currently researching; these items are briefly described below:

Mobile Home Park Lot for affordable housing units. Staff is researching rental costs of lots for mobile homes to address compliance with Section 9.5-4(A-5), affordable housing qualifying criteria for rental dwelling. Although provisions for determining income qualifications are discussed, mobile home lot rentals have not been determined. To qualify as an affordable housing “conversion” unit, the mobile home lot rent, either within a mobile home park or a conforming, legally established parcel, must meet the occupant qualifying criteria established for the different affordable housing income levels. If the mobile home is not owner occupied, the lot rent and the mobile home rent **combined** must meet the occupant qualifying criteria. If the mobile home is owner occupied mobile homes that rent a lot must meet the rental criteria for the lot and the owner criteria for the mobile home for the combined cost. Therefore, a table must be developed to identify limits of lot rents for mobile homes to qualify as “conversion” units pursuant to the proposed text amendments; staff is currently developing this table and text language.

Different ROGO allocation amount for single family resident and efficiency/single room dwelling unit. To discourage creation of multiple single room or “efficiency” dwelling units and to recognize the need for dwelling units consistent for family occupancy, there should be separate ROGO allocation amounts for the different dwelling unit types. Staff proposes to issue one half (1/2) of a ROGO allocation for a single room or efficiency dwelling unit and one (1) ROGO allocation for a single family residence type dwelling unit to a affordable housing qualified dwelling unit under this text amendment.

ROGO allocation pool divided between “conversion” units and “new construction” units. To protect the stock of affordable housing types that comes from new construction, staff proposes to separate the County’s pool of affordable housing allocations as fifty (50) percent “conversion” units as provided by this text amendment and fifty (50) percent for new construction units.

No double-dipping. To clarify the requirements of Section 9.5-266(b), staff recommends adding the following language to proposed text amendment: “Affordable housing requirement for residential projects of three or more units or redevelopment projects of ten or more units and in-lieu fees. New residential projects of three (3) or more units and redevelopment of existing parcels of ten (10) or more market rate housing units under one ownership or a redevelopment of a mobile home park, or projects containing both market rate residential units and commercial floor area shall be required to develop at least thirty (30) percent of the residential units beyond the first two (2) units as affordable **in addition to any existing affordable housing units.**”

Rebuild demolished/destroyed or otherwise uninhabitable affordable housing unit. Concerns were raised that the proposed text amendments and existing LDR’s do not include a compulsory requirement to rebuild an affordable housing unit that was destroyed or rendered uninhabitable. Staff believes a buildable lot has much greater value if developed and that the owner of an affordable housing lot would rebuild to protect the economic investment in the property. The covenant restriction remains on the property with or without a dwelling unit; therefore once a dwelling unit is constructed the terms of the covenant restriction will apply. The County does not

currently require that a property owner rebuild if the affordable housing unit is destroyed and staff has not identified a need to add this requirement to the proposed text amendments.

There will be a wave of development from the issuance of market rate ROGO allocations as a result of the "conversion" units resulting in sharp increases to existing parcel prices. The concern requires the presumption that there will be an immediate addition of market rate ROGO allocations that will result in more demand for buildable lots, resulting in a significant increase to lot prices and development costs. Staff concedes that there may be a shift in supply and demand short-term, but that the market will adjust and stabilize prices within a short time. There is not currently a large stock of County affordable housing ROGO allocations to be issued and if the proposal to separate those allocations to "conversion" units and "new construction" units, there will be less of an immediate introduction of market rate ROGO allocations. Therefore, staff does not believe it is necessary to add language to the proposed text amendments to address this concern.

III. FINDINGS OF FACT

1. Staff finds that there is a need to make the amendments to protect and increase the existing affordable housing stocks in Monroe County.
2. Staff finds that the proposed change is consistent with Section 9.5-511(d)(5)b(iv) New Issues and (v) Recognition of a need for additional detail or comprehensiveness and will not result in the adverse community change of the planning area.
3. Staff finds that the proposed changes are consistent with the Monroe County 2010 Comprehensive Plan. Goal 601 directs staff to adopt programs and policies that provides affordable housing based on population type, tenure characteristics, unit size, and individual preferences. In addition, Objective 601.1 directs staff to complete initial implementation of policies that will reduce by 50% the estimated affordable housing need of those in very low and low income classifications. The proposed text amendments comply with the provisions pursuant to Goal 601.

IV. RECOMMENDATIONS

Based on the Findings of Fact, the Staff and the Development Review Committee recommend the Planning Commission **recommend** approval of the proposed text amendment (attached) to the Board of County Commissioners.